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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION THREE

In re A.H., a Person Coming  
Under the Juvenile Court Law.

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THE PEOPLE,

Plaintiff and Respondent,

v.

A.H.,

Defendant and Appellant.

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B210916

(Los Angeles County  
Super. Ct. No. PJ42416)

APPEAL from orders of the Superior Court of Los Angeles County,  
Jack J. Gold, Judge. Modified and affirmed.

Bruce G. Finebaum, under appointment by the Court of Appeal, for Defendant  
and Appellant.

Edmund G. Brown, Jr., Attorney General, Dane R. Gillette, Chief Assistant  
Attorney General, Pamela C. Hamanaka, Assistant Attorney General, Victoria B. Wilson  
and Yun K. Lee, Deputy Attorneys General, for Plaintiff and Respondent.

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A.H. appeals the judgment (order declaring A.H. a ward of the juvenile court under Welfare and Institutions Code section 602) based on the finding A.H. committed four counts of violating a gang injunction, a misdemeanor. (Pen. Code, § 166, subd. (a)(4).)

We reject A.H.'s claim of insufficiency of the evidence and affirm the judgment. We order the minute order prepared after the disposition hearing corrected to omit reference to the maximum term of confinement.

### **BACKGROUND**

#### *1. Service of the gang injunction.*

On February 15, 2007, Los Angeles Police Department Officer Thomas Gutierrez served A.H. with a copy of a criminal street gang injunction issued against A.H.'s Pacoima gang. The gang has approximately 200 members. The injunction prohibits gang members from associating with other gang members. A.H. had admitted membership in the gang to Gutierrez on several previous occasions. A.H. also has a gang tattoo on his middle finger.

The gang injunction was served on admitted gang members Ignacio Saragossa, Genesis Canceran and Richard Gutierrez on February 15, 2008, February 7, 2008 and January 15, 2005, respectively.

#### *2. Violations of the gang injunction.*

##### *a. January 17, 2008.*

On January 17, 2008, at 8:10 p.m., Los Angeles Police Officer Luke Walden saw A.H., Canceran and Gutierrez in the area of Van Nuys Boulevard. They appeared to look in Walden's direction, then ran into an apartment complex. A.H. and Canceran tried to hide behind a car and were detained. Gutierrez ran into his apartment and was detained there. Two loaded pistols were found in the closet.

##### *b. February 16, 2008.*

On February 16, 2008, at approximately 5:50 p.m., City of Los Angeles Police Officer Douglas Tanaka saw a group of five individuals on Karl Street in the City of Pacoima, including A.H., Saragossa, Jesus Martin and possibly Canceran. Martin is a

documented member of A.H.'s gang. Tanaka asked A.H. about the gang injunction and if A.H. understood its conditions. A.H. responded affirmatively and said he did not run because he did not think he was going to be arrested.

*c. May 24, 2008.*

On May 24, 2008, at 7:30 p.m., Walden saw A.H. and Canceran standing together in a parking lot. A.H. ran but was taken into custody approximately 300 yards from where he had been standing. He said he ran because he did not want to get arrested for violating the injunction.

*d. June 2, 2008.*

On June 2, 2008 at approximately 4:15 p.m., City of Los Angeles Police Officer Rubin Aguirre saw A.H. on Karl Street in the company of Saragosa and one or two other members of their gang.

*3. Defense evidence.*

A.H. admitted he was served with a copy of the gang injunction but claimed he told the officer he was not a gang member and he did not want to be served. A.H.'s brother arrived during the service and also indicated A.H. was not a gang member. A.H. claimed he is not aware that anyone he knows is a member of the gang. A.H. has known Saragossa and Gutierrez since kindergarten and has known Canceran for about two years.

F.H., A.H.'s brother, testified Canceran has been A.H.'s friend since grade school. F.H. was present when A.H. was served with the gang injunction. The officers said they would not release A.H. "unless he admitted he was part of the gang."

*4. The jurisdictional finding and disposition.*

The juvenile court found the evidence showed A.H. violated the criminal street gang injunction on four separate occasions. The juvenile court placed A.H. home on probation and specifically declined to compute the maximum term of confinement. Nonetheless, the juvenile court's minute order reflects a maximum term of confinement of one year.

## CONTENTIONS

A.H. contends there is insufficient evidence to prove he knowingly associated with gang members and the minute order must be corrected to delete reference to the maximum term of confinement.

## DISCUSSION

### 1. *The evidence supports the juvenile court's jurisdictional findings.*

In order to prove a violation of a criminal street gang injunction, the People must demonstrate knowledge of the associate's gang membership. (*People ex rel. Gallo v. Acuna* (1997) 14 Cal.4th 1090, 1117.) A.H. contends there was no evidence that indicated A.H. knew Saragossa, Gutierrez and Canceran were admitted members of a criminal street gang.

A.H.'s argument fails.

A.H. admitted he has known Gutierrez and Saragossa since kindergarten. A.H.'s brother testified A.H. has known Canceran since grade school. Gutierrez, Saragossa and Canceran each were admitted gang members who had been served the gang injunction. A.H. had a gang tattoo on his finger. A.H. repeatedly was detained in the company of these individuals and other known gang members. When A.H. was detained on January 17, 2008, he was with Canceran and Gutierrez and all three ran when the police appeared at the scene. When A.H. was detained on February 16, 2008, he was in the company of Saragossa and indicated he understood the terms of the injunction but did not run because he did not think he would be arrested. When A.H. was detained on May 24, 2008, he was in the company of Canceran and ran to avoid being arrested for violating the injunction.

This evidence supports the juvenile court's conclusion that, on each of the four occasions, A.H. knowingly associated with gang members.

2. *The minute order does not conform to the juvenile court's oral pronouncement of judgment.*

The juvenile court specifically declined to declare the maximum term of confinement because it placed A.H. home on probation. (*In re Ali A.* (2006) 139 Cal.App.4th 569, 573.) However, the juvenile court's minute order reflects a maximum term of confinement of one year. A.H. contends, and the People concede, the minute order must be amended to delete reference to the maximum term of confinement.

The concession appears to be well taken. We shall order the minute order corrected.

### **DISPOSITION**

The orders of the juvenile court are affirmed. The minute order dated September 2, 2008 is ordered modified to delete reference to the maximum term of confinement.

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KLEIN, P. J.

We concur:

KITCHING, J.

ALDRICH, J.